



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 68**

March 8, 2005 – Offered by Senator OLSEN.

1     **AN ACT to amend** 115.88 (1m) (a) and (am), 115.88 (2), (2m), (3), (4) and (6),  
2             115.88 (8), 115.882, 118.255 (4), 118.43 (2) (g) and 118.43 (3) (intro.); and **to**  
3             **create** 20.255 (2) (bb), 118.43 (4m) and 118.43 (6) (b) 9. of the statutes; **relating**  
4             **to:** supplementing special education funding with lapsed student achievement  
5             guarantee contract moneys and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment makes technical changes to 2005 Senate Bill 68 to clarify that a school district may choose not to reduce class size in grades 2 or 3, or both, and that if it so chooses, it still receives aid under the SAGE program for those grades in which it chooses to reduce class size.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

6             **SECTION 1.** 20.255 (2) (bb) of the statutes is created to read:

1           20.255 (2) (bb) *Special education aid; supplement.* A sum sufficient equal to  
2 the amounts lapsed to the general fund in the previous fiscal year from the  
3 appropriation accounts under pars. (cu) and (cv) for the payment of aids for special  
4 education and school age parents program under ss. 115.88, 115.93, and 118.255.

5           **SECTION 2.** 115.88 (1m) (a) and (am) of the statutes are amended to read:

6           115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state  
7 superintendent is satisfied that the special education program has been maintained  
8 during the preceding school year in accordance with law, the state superintendent  
9 shall certify to the department of administration in favor of each county, cooperative  
10 educational service agency and school district maintaining such special education  
11 program a sum equal to the amount expended by the county, agency and school  
12 district during the preceding year for salaries of personnel enumerated in sub. (1),  
13 including the salary portion of any authorized contract for physical or occupational  
14 therapy services, and other expenses approved by the state superintendent as costs  
15 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)  
16 (b) and (bb).

17           (am) If the operator of a charter school established under s. 118.40 (2r) operates  
18 a special education program and the state superintendent is satisfied that the  
19 operator of the charter school is complying with 20 USC 1400 to 1491o, the state  
20 superintendent shall certify to the department of administration in favor of the  
21 operator of the charter school a sum equal to the amount that the operator of the  
22 charter school expended during the previous school year for salaries of full-time or  
23 part-time licensed teachers, licensed coordinators of special education, licensed  
24 school social workers, licensed school psychologists, paraprofessionals, licensed  
25 consulting teachers to work with any teacher of regular education programs who has

1 a child with a disability in a class and any other personnel, as determined by the state  
2 superintendent. Certified costs under this paragraph are eligible for reimbursement  
3 from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The state  
4 superintendent may audit costs under this paragraph and adjust reimbursement to  
5 cover only actual, eligible costs.

6 **SECTION 3.** 115.88 (2), (2m), (3), (4) and (6) of the statutes are amended to read:

7 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)  
8 the state superintendent is satisfied that the transportation of children with  
9 disabilities has been maintained during the preceding year in accordance with the  
10 law, the state superintendent shall certify to the department of administration in  
11 favor of each county, cooperative educational service agency, or school district  
12 transporting such pupils an amount equal to the amount expended for such  
13 transportation as costs eligible for reimbursement from the ~~appropriation~~  
14 appropriations under s. 20.255 (2) (b) and (bb). Pupils for whom aid is paid under  
15 this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection  
16 applies to any child with a disability who requires special assistance in  
17 transportation, including any such child attending regular classes who requires  
18 special or additional transportation. This subsection does not apply to any child with  
19 a disability attending regular or special classes who does not require any special or  
20 additional transportation.

21 **(2m) OTHER TRANSPORTATION AID.** If the operator of a charter school established  
22 under s. 118.40 (2r) transports children with disabilities and the state  
23 superintendent is satisfied that the operator of the charter school is complying with  
24 20 USC 1400 to 1491o, the state superintendent shall certify to the department of  
25 administration in favor of the operator of the charter school a sum equal to the

1 amount that the operator of the charter school expended during the previous school  
2 year for transportation under this subsection as costs eligible for reimbursement  
3 from the appropriations under s. 20.255 (2) (b) and (bb). The state superintendent  
4 may audit costs under this subsection and adjust reimbursement to cover only  
5 actual, eligible costs.

6 **(3) BOARD AND LODGING AID.** There shall be paid the amount expended for board  
7 and lodging and transportation between the boarding home and the special  
8 education program of nonresident children enrolled under s. 115.82 (1) in the special  
9 education program. The department shall certify to the department of  
10 administration in favor of each school district, cooperative educational service  
11 agency, county children with disabilities education board, state agency of another  
12 state or private, nonsectarian special education service which operates the special  
13 education program while providing board, lodging and transportation an amount  
14 equal to the amount expended for such board and lodging and transportation as costs  
15 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)  
16 (b) and (bb).

17 **(4) HOSPITALS AND CONVALESCENT HOME AID.** The full cost of special education for  
18 children in hospitals and convalescent homes for orthopedically disabled children  
19 shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).  
20 The supervision of such instruction shall be under the department and the school  
21 board of the school district in which the hospital or convalescent home is located. The  
22 school board of the district in which the hospital or convalescent home is located shall  
23 submit to the department an itemized statement of all revenues and expenditures  
24 for the actual cost of such instruction and any other information it requires.

1           **(6) AID FOR INSTRUCTION OUTSIDE OF DISTRICT.** The department shall certify to  
2           the department of administration, in favor of each school district, an amount equal  
3           to the amount expended for salaries and travel expenses, as determined in advance  
4           by the state superintendent, for providing special education outside the school  
5           district of employment, as eligible for reimbursement from the ~~appropriation~~  
6           appropriations under s. 20.255 (2) (b) and (bb).

7           **SECTION 4.** 115.88 (8) of the statutes is amended to read:

8           **115.88 (8) ENROLLMENT OUT OF STATE.** If a child with a disability is enrolled in  
9           a public special education program located in another state and the state  
10          superintendent is satisfied that the program in which the child is enrolled complies  
11          with this subchapter, the state superintendent shall certify to the department of  
12          administration in favor of the school district in which the child resides or the school  
13          district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to  
14          the amount expended by the school district during the preceding year for the  
15          additional costs associated with the child's special education program as costs  
16          eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)  
17          (b) and (bb).

18          **SECTION 5.** 115.882 of the statutes is amended to read:

19          **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)  
20          and (bb) shall be used first for the purpose of s. 115.88 (4). Costs eligible for  
21          reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and  
22          (bb) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be  
23          reimbursed at a rate set to distribute the full amount appropriated for  
24          reimbursement for the costs, less the amount paid by the department of health and

1 family services under s. 20.435 (4) (b) and (o) under s. 49.45 (39) (b) 1m., not to exceed  
2 100%.

3 **SECTION 6.** 118.255 (4) of the statutes is amended to read:

4 118.255 (4) If the state superintendent is satisfied that the health treatment  
5 services program has been maintained during the preceding school year in  
6 accordance with law, the state superintendent shall certify to the department of  
7 administration in favor of each school board, cooperative educational service agency  
8 and county children with disabilities education board maintaining such health  
9 treatment services, an amount equal to the amount expended for items listed in s.  
10 115.88 (1m) by the school board, cooperative educational service agency and county  
11 children with disabilities education board during the preceding year for these health  
12 treatment services as costs eligible for reimbursement from the appropriation  
13 appropriations under s. 20.255 (2) (b) and (bb).

14 **SECTION 7.** 118.43 (2) (g) of the statutes is amended to read:

15 118.43 (2) (g) The department may renew an achievement guarantee contract  
16 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition  
17 of receiving payments under a renewal of an achievement guarantee contract, a  
18 school board shall maintain the reduction of class size achieved during the last school  
19 year of the original achievement guarantee contract for the grades specified for the  
20 last school year of the contract, but this condition does not apply to a school district  
21 under sub. (4m).

22 **SECTION 8.** 118.43 (3) (intro.) of the statutes is amended to read:

23 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)  
24 and (ar) and sub. (4m), an achievement guarantee contract shall require the school  
25 board to do all of the following in each participating school:

